

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Index No.: _____/19

-----X
JANE DOE,

**Plaintiffs designate
NEW YORK COUNTY
as place of trial.**

Plaintiff,

-against-

**The basis of venue is
plaintiff resides in New
York County.**

**ARCHDIOCESE OF NEW YORK, OUR LADY OF
POMPEII, MISSIONARIES OF ST. CHARLES,
SCALABRINIANS MISSIONARY and DORINO
DELAZZER,**

SUMMONS

Defendants,
-----X

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,
NEW YORK COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a)
AND 306(a).**

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

ARCHDIOCESE OF NEW YORK

1011 1st Avenue
New York, NY 10022

MISSIONARIES OF ST. CHARLES

27 Carmine St,
New York, NY 10014

SCALABRINIANS MISSIONARY

27 Carmine St
New York, NY 10014-4423

OUR LADY OF POMPEII

25 Carmine St.,
New York, NY 10014

DORINO DELAZZER

15800 E. 121st Street, Unit E3
Lochbuie, CO 80603

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/19

-----X
JANE DOE,

Plaintiff,

-against-

**VERIFIED
COMPLAINT**ARCHDIOCESE OF NEW YORK, OUR LADY OF
POMPEII, MISSIONARIES OF ST. CHARLES,
SCALABRINIANS MISSIONARY and DORINO
DELAZZER,Defendants,
-----XPlaintiff,¹ above named, complaining of the defendants, by **MERSON LAW,**

PLLC., respectfully allege(s):

NATURE OF THE CLAIM

1. This is the case of plaintiff Jane Doe who was sexually abused as a child by Father Dorino Delazzer ("Delazzer") at and of Our Lady of Pompeii, Missionaries of St. Charles, Scalabrinians Missionary and Archdiocese of New York ("Archdiocese").
2. Delazzer was a priest at Our Lady of Pompeii in New York, New York which was part of the Archdiocese. Delazzer was known among the community and the children as a sexual predator.
3. Despite the Archdiocese's, Our Lady of Pompeii's, and the Missionaries of St. Charles and Scalabrinians Missionary's knowledge that Delazzer sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese, Our Lady of Pompeii, Missionaries of St. Charles, and Scalabrinians Missionary allowed Delazzer unfettered access to children.

¹ Plaintiff uses a pseudonym because she is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

4. Beginning in or about 1969 and continuing until approximately 1972, Delazzer, while under the scope of employment with the Archdiocese, Our Lady of Pompeii, Missionaries of St. Charles, and Scalabrinians Missionary and while acting on behalf of the Archdiocese, Our Lady of Pompeii, Missionaries of St. Charles, and Scalabrinians Missionary, Delazzer would sexually abuse Jane Doe, then 10 years old, approximately three times a week. Delazzer would go into Jane Doe's bedroom, expose himself to her, rub his penis on her chest, leave hickeys on her body and otherwise sexually abuse her.
5. Jane Doe was sexually abused by Delazzer hundreds of times.
6. Jane Doe brings this lawsuit to recover for the emotional and physical suffering she endured because of the negligence of the Archdiocese of New York, Our Lady of Pompeii, Missionaries of St. Charles, Scalabrinians Missionary, and Dorino Delazzer, and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.
7. Jane Doe additionally brings this lawsuit to recover for the emotional and physical suffering she endured due to the predatory, intentional and unlawful sexual actions of Dorino Delazzer directed at her and make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

PARTIES

8. At all times herein mentioned defendant **ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
9. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** was located at 1011 1st Avenue, New York, New York 10022.

10. At all times herein mentioned, Delazzer was a priest operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
11. At all times herein mentioned, Delazzer was an agent, servant and/or employee of defendant **ARCHDIOCESE OF NEW YORK**.
12. At all times herein mentioned defendant **OUR LADY OF POMPEII** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
13. At all times herein mentioned, defendant **OUR LADY OF POMPEII** was located at 25 Carmine St., New York, NY 10014.
14. At all times herein mentioned, Delazzer was a priest operating under the direction and control of defendant **OUR LADY OF POMPEII**, and its agents, servants and/or employees.
15. At all times herein mentioned, Delazzer was an agent, servant and/or employee of defendant **OUR LADY OF POMPEII**.
16. At all times herein mentioned defendant **MISSIONARIES OF ST. CHARLES** was a not for profit corporation incorporated in the state of Connecticut and by virtue of the laws of the State of Connecticut.
17. At all times herein mentioned, defendant **MISSIONARIES OF ST. CHARLES** was located at 27 Carmine St., New York, NY 10014.
18. At all times herein mentioned, Delazzer was a priest operating under the direction and control of defendant **MISSIONARIES OF ST. CHARLES**, and its agents, servants and/or employees.

19. At all times herein mentioned, Delazzer was an agent, servant and/or employee of defendant **MISSIONARIES OF ST. CHARLES**.
20. At all times herein mentioned defendant **SCALABRINIANS MISSIONARY** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
21. At all times herein mentioned, defendant **SCALABRINIANS MISSIONARY** was located at 27 Carmine St, New York, NY 10014-4423
22. At all times herein mentioned, Delazzer was a priest operating under the direction and control of defendant **SCALABRINIANS MISSIONARY**, and its agents, servants and/or employees.
23. At all times herein mentioned, Delazzer was an agent, servant and/or employee of defendant **SCALABRINIANS MISSIONARY**.
24. At all times herein mentioned, Defendants **ARCHDIOCESE OF NEW YORK, OUR LADY OF POMPEII, MISSIONARIES OF ST. CHARLES, SCALABRINIANS MISSIONARY** and Defendant **DORINO DELAZZER**, were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

25. Defendants **ARCHDIOCESE OF NEW YORK, OUR LADY OF POMPEII, MISSIONARIES OF ST. CHARLES** and **SCALABRINIANS MISSIONARY's** negligence and recklessness caused Defendant **DORINO DELAZZER** to have access to children of its parishes, including on Diocese premises, despite its knowledge that defendant **DELAZZER** sexually abused children and/or had the propensity to sexually abuse children and therefore are responsible for the injuries that Plaintiff incurred

because but for Defendants **ARCHDIOCESE OF NEW YORK, OUR LADY OF POMPEII, MISSIONARIES OF ST. CHARLES** and **SCALABRINIANS MISSIONARY**'s negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by defendant **DORINO DELAZZER**. Defendants **ARCHDIOCESE OF NEW YORK, OUR LADY OF POMPEII, MISSIONARIES OF ST. CHARLES** and **SCALABRINIANS MISSIONARY** and Defendant **DORINO DELAZZER**'s gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.

26. Defendant **DORINO DELAZZER** sexually assaulted Jane Doe and many other children of Our Lady of Pompeii in New York, New York. Nonetheless, defendant **ARCHDIOCESE OF NEW YORK, OUR LADY OF POMPEII, MISSIONARIES OF ST. CHARLES** and **SCALABRINIANS MISSIONARY** failed to remove Delazzer from his position as a priest or to take any steps to keep the dangerous predator away from children. In fact, the Archdiocese continued to allow, encourage and/or permit Delazzer to have unfettered access to children. The Archdiocese failed to supervise Defendant **DORINO DELAZZER** and because of their negligent supervision, plaintiff was abused by Defendant **DORINO DELAZZER**.
27. In approximately 1969 and continuing through approximately 1970, Delazzer would sexually abuse Jane Doe approximately three times per week.
28. Delazzer sexually abused Jane Doe on car rides, in her home, at the church and other places.

29. When Jane Doe was approximately ten years old, Delazzer entered her bedroom, explained to her the different body parts and exposed himself to her. Delazzer rubbed his penis on Jane Doe's chest and hurt her. Delazzer also digitally penetrated her.
30. Delazzer left hickeys on Jane Doe's body hundreds of times.
31. Delazzer would additionally take Jane Doe on car rides and sexually abuse her by making her sit on his lap while he had an erection, and force her head down to his crotch while driving.
32. Delazzer was able to gain access to Jane Doe using his position of authority as a priest as provided by the Archdiocese to gain the trust of Jane Doe and other children and their families.
33. Delazzer manipulated Jane Doe to not disclose his predatory behavior by using his position of authority as a priest as provided by the Archdiocese.
34. As a result of the actions of defendant **DORINO DELAZZER**, Jane Doe felt and continues to feel ashamed, embarrassed, and humiliated.
35. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **ARCHDIOCESE OF NEW YORK, OUR LADY OF POMPEII, MISSIONARIES OF ST. CHARLES** and **SCALABRINIANS MISSIONARY's** negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its parishes and of its community safe from Defendant **DORINO DELAZZER** despite the Archdiocese having knowledge that Delazzer sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Delazzer to continue to have his position of authority and power, and the Diocese failed to adequately supervise Defendant **DORINO DELAZZER**.

AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS FOR ARCHDIOCESE OF NEW YORK

36. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 35., inclusive, with the same force and effect as if hereinafter set forth at length.
37. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to in locis parentis, to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Defendant **DORINO DELAZZER**.
38. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
39. As a result of the negligence of defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
43. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE

AS FOR OUR LADY OF POMPEII

44. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if hereinafter set forth at length.
45. At all times mentioned herein, defendant **OUR LADY OF POMPEII** owed a duty of care, including but not limited to in locis parentis, to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Defendant **DORINO DELAZZER**.
46. At all times mentioned herein, defendant **OUR LADY OF POMPEII** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
47. As a result of the negligence of defendant **OUR LADY OF POMPEII** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
48. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

49. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
50. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
51. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE

AS FOR MISSIONARIES OF ST. CHARLES

52. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 51., inclusive, with the same force and effect as if hereinafter set forth at length.
53. At all times mentioned herein, defendant **MISSIONARIES OF ST. CHARLES** owed a duty of care, including but not limited to in locis parentis, to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Defendant **DORINO DELAZZER**.
54. At all times mentioned herein, defendant **MISSIONARIES OF ST. CHARLES** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
55. As a result of the negligence of defendant **MISSIONARIES OF ST. CHARLES** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

56. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
57. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
58. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
59. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENCE

AS FOR SCALABRINIANS MISSIONARY

60. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 59., inclusive, with the same force and effect as if hereinafter set forth at length.
61. At all times mentioned herein, defendant **SCALABRINIANS MISSIONARY** owed a duty of care, including but not limited to in locis parentis, to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Defendant **DORINO DELAZZER**.
62. At all times mentioned herein, defendant **SCALABRINIANS MISSIONARY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
63. As a result of the negligence of defendant **SCALABRINIANS MISSIONARY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical

manifestations thereof, and other losses, all of which have not as of yet been ascertained.

64. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
65. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
66. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
67. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO ARCHDIOCESE OF NEW YORK**

68. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 67., inclusive, with the same force and effect as if hereinafter set forth at length.
69. Defendant **ARCHDIOCESE OF NEW YORK**, had a duty to supervise and prevent known risks of harm to the children of its parishes by its clergymen, and breached this duty.
70. Defendant was negligent in hiring, retaining and supervising their personnel, such as Defendant **DORINO DELAZZER**, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.

71. Defendant **ARCHDIOCESE OF NEW YORK** knew or should have known Defendant **DORINO DELAZZER** sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
72. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
73. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
74. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
75. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
76. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO OUR LADY OF POMPEII**

77. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 76., inclusive, with the same force and effect as if hereinafter set forth at length.
78. Defendant **OUR LADY OF POMPEII**, had a duty to supervise and prevent known risks of harm to the children of its parishes by its clergymen, and breached this duty.
79. Defendant was negligent in hiring, retaining and supervising their personnel, such as Defendant **DORINO DELAZZER**, who were careless, unskillful, negligent, reckless

and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.

80. Defendant **OUR LADY OF POMPEII** knew or should have known Defendant **DORINO DELAZZER** sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
81. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
82. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
83. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
84. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
85. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SEVENTH CAUSE OF ACTION FOR NEGLIGENT HIRING,

RETENTION AND SUPERVISION

AS TO MISSIONARIES OF ST. CHARLES

86. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 85., inclusive, with the same force and effect as if hereinafter set forth at length.
87. Defendant **MISSIONARIES OF ST. CHARLES**, had a duty to supervise and prevent known risks of harm to the children of its parishes by its clergymen, and breached this duty.
88. Defendant was negligent in hiring, retaining and supervising their personnel, such as **MISSIONARIES OF ST. CHARLES**, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.
89. Defendant **MISSIONARIES OF ST. CHARLES** knew or should have known Defendant **DORINO DELAZZER** sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
90. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
91. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
92. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

93. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

94. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AS TO SCALABRINIANS MISSIONARY**

95. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 94., inclusive, with the same force and effect as if hereinafter set forth at length.

96. Defendant **SCALABRINIANS MISSIONARY**, had a duty to supervise and prevent known risks of harm to the children of its parishes by its clergymen, and breached this duty.

97. Defendant was negligent in hiring, retaining and supervising their personnel, such as Defendant **DORINO DELAZZER**, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.

98. Defendant **SCALABRINIANS MISSIONARY** knew or should have known Defendant **DORINO DELAZZER** sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.

99. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental

anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

100. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

101. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

102. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

103. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE NINTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS

AS TO ARCHDIOCESE OF NEW YORK

104. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 103., inclusive, with the same force and effect as if herein set forth at length.

105. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Defendant **DORINO DELAZZER**, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

106. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other

improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

107. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Defendant **DORINO DELAZZER**.

108. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in defendant Defendant **DORINO DELAZZER** sexually abusing Plaintiff.

109. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

110. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

111. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

112. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE TENTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AS TO OUR LADY OF POMPEII

113. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 112., inclusive, with the same force and effect as if herein set forth at length.

114. Defendant **OUR LADY OF POMPEII** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and

hire Defendant **DORINO DELAZZER**, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

115. Defendant **OUR LADY OF POMPEII** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

116. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Defendant **DORINO DELAZZER**.

117. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in defendant Defendant **DORINO DELAZZER** sexually abusing Plaintiff.

118. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

119. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

120. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

121. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE ELEVENTH CAUSE OF ACTION FOR NEGLIGENT

INFLECTION OF EMOTIONAL DISTRESS

AS TO MISSIONARIES OF ST. CHARLES

122. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 121., inclusive, with the same force and effect as if herein set forth at length.
123. Defendant **MISSIONARIES OF ST. CHARLES** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Defendant **DORINO DELAZZER**, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
124. Defendant **MISSIONARIES OF ST. CHARLES** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
125. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Defendant **DORINO DELAZZER**.
126. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in defendant **DORINO DELAZZER** sexually abusing Plaintiff.
127. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
128. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

129. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

130. This action falls within exceptions to Article 16 of the C.P.L.R.

AS AND FOR THE TWELFTH CAUSE OF ACTION FOR NEGLIGENT

INFLICTION OF EMOTIONAL DISTRESS

AS TO SCALABRINIANS MISSIONARY

131. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 130., inclusive, with the same force and effect as if herein set forth at length.

132. Defendant **SCALABRINIANS MISSIONARY** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Defendant **DORINO DELAZZER**, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

133. Defendant **SCALABRINIANS MISSIONARY** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

134. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Defendant **DORINO DELAZZER**.

135. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in defendant **DORINO DELAZZER** sexually abusing Plaintiff.
136. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
137. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
138. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
139. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR THE THIRTEENTH CAUSE OF ACTION FOR ASSAULT

AS TO DORINO DELAZZER

140. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 139., inclusive, with the same force and effect as if herein set forth at length.
141. Defendant **DORINO DELAZZER** predatory, abusive, manipulative and unlawful acts against Plaintiff, created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant **DORINO DELAZZER** to plaintiff without plaintiff's consent.
142. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, serious and severe psychological injuries and emotional distress, mental anguish, embarrassment and humiliation.

143. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
144. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **DORINO DELAZZER** in such sums a jury would find fair, just and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant **DORINO DELAZZER** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
145. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
146. This action falls within exceptions to Article 16 of the C.P.L.R.

AND AS FOR THE FOURTEENTH CAUSE OF ACTION FOR BATTERY

AS TO DORINO DELAZZER

147. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 146., inclusive, with the same force and effect as if herein set forth at length.
148. When Plaintiff was approximately eleven years old, defendant **DORINO DELAZZER** intentionally and unlawfully sexually abused Plaintiff by rubbing his penis on her chest, molesting her, leaving hickeys on her body and otherwise sexually abusing her.
149. Defendant **DORINO DELAZZER's** unlawful, abusive, manipulative, and predatory acts against plaintiff, amounted to a series of harmful and offensive contacts to

plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

150. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, psychological injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

151. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **DORINO DELAZZER** in such sums a jury would find fair, just and adequate, and plaintiff is further entitled to punitive and exemplary damages from defendant **DORINO DELAZZER** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

152. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

153. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR A FIFTEENTH CAUSE OF ACTION FOR INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS AGAINST DORINO DELAZZER**

154. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 153., inclusive, with the same force and effect as if hereafter set forth at length.

155. Defendant **DORINO DELAZZER** engaged in outrageous conduct towards plaintiff with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress by sexually assaulting her while she was an child patron at and of Our Lady of Pompeii.

156. As a proximate result of the aforementioned assaults, batteries, and other violations committed against Plaintiff, she has suffered and continues to suffer extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.
157. Defendant **DORINO DELAZZER** committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
158. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
159. This action falls within the exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson
Attorney for Plaintiffs
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/19

-----X
JANE DOE,

Plaintiff,

**ATTORNEY
VERIFICATION**

-against-

ARCHDIOCESE OF NEW YORK, OUR LADY OF
POMPEII, MISSIONARIES OF ST. CHARLES,
SCALABRINIANS MISSIONARY and DORINO
DELAZZER,Defendants,
-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 14, 2019



JORDAN K. MERSON

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
JANE DOE,

Index No.: ____/2019

Plaintiff,

-against-

ARCHDIOCESE OF NEW YORK, OUR LADY OF
POMPEII, MISSIONARIES OF ST. CHARLES,
SCALABRINIANS MISSIONARY and DORINO
DELAZZER,AFFIDAVITDefendants,
-----X

STATE OF NEW YORK) ss.:

COUNTY OF NEW YORK)

JANE DOE, being duly sworn, depose and say:

I am the plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Dated: New York, New York
August 13, 2019

_____/s/_____
JANE DOE

“Jane Doe” original signature on file with
petitioner’s counsel.

Sworn to before me this

13th day of August 2019

Colleen Carlo

NOTARY PUBLIC

COLLEEN CARLO
Notary Public, State of New York
No. 01CA6205079
Qualified in Queens County
Commission Expires May 04, 2021

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JANE DOE,

Plaintiff,

-against-

ARCHDIOCESE OF NEW YORK, OUR LADY OF
POMPEII, MISSIONARIES OF ST. CHARLES,
SCALABRINIANS MISSIONARY and DORINO DELAZZER,

Defendants,

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone

150 East 58th Street 34th Fl.

New York, New York 10155

(212) 603-9100

To: All Parties
